

REMARKS

The Examiner has required an election in the present application between:

Species A: specific type of Kampo medicine extract selected from the Markush groups in Claims 15 and 16.

For the purpose of examination of the present application, Applicants elect Species Toki-shakuyaku-san extract powder of each of claims 15-16, with traverse.

Claims 15 and 16 are directed to the elected species (see also the Office Action at page 3, lines 1-2; Applicants also note Example 1 in the present specification as corresponding to the elected species). As acknowledged by the Examiner, **at least claims 8-14 and 17 are generic** (see the Office Action at page 3, line 3; the indication of "claims 7-14" appears to be really "claims 8-14").

Applicants traverse the instant Election of Species Requirement since the concept of the generic claims is not dependent on the nature of Kampo medicine extract powders as shown in the present specification at page 5, line 9 to page 6, line 4. Applicants also note the reasons for the outstanding Election of Species Requirement as stated in the Office Action at page 3, lines 5-12. However, claims 15 and 16 ultimately depend on claim 8. Thus, the assertion that there are no shared significant structural elements is inapplicable.

In any event, should the elected species be found allowable, Applicants respectfully request the Examiner to then consider and review other non-elected species as indicated in the Office Action at page 2, last paragraph.

Application No.: 10/521,016
Art Unit 1655
Reply to Election of Species

Docket No.: 2114-0113PUS1

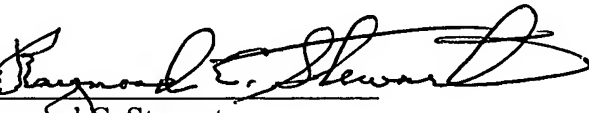
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez, Registration No. 48,501 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: 6-15-2006

Respectfully submitted,

By 
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